

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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REPLY TO:

B-35 FEDERAL BUILDING
410 W. MICHIGAN AVENUE
KALAMAZOO, MI 49007
269-337-5706

P.O. BOX 698
229 FEDERAL BUILDING
MARQUETTE, MI 49855
906-226-2021

**REPLY TO:**

399 FEDERAL BUILDING
110 MICHIGAN STREET, NW
GRAND RAPIDS, MI 49503
616-456-2381

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315 W. ALLEGAN
LANSING, MI 48933
517-377-1559

March 10, 2004

USDC for the District of Massachusetts
 2300 United States Courthouse
 One Courthouse Way
 Boston, MI 02210-3002

RE: Head v State of North Carolina
 Our Case No. 4:04-cv-27 Hon. Gordon J. Quist

Dear Court Personnel:

Pursuant to the enclosed Order of Transfer filed 2/23/04, we are herewith sending the following:

1. Certified copy of Order of Transfer;
2. Certified copy of our docket sheet; and
3. Entire file of the above referenced case.

By copy of this letter, **please acknowledge receipt** of these documents and return to this court in the enclosed self-addressed envelope. Thank you.

Sincerely,

Ronald C. Weston, Sr., Clerk

E. Copple
 By: Deputy Clerk

Enclosures

cc: All counsel
 File

HABEAS, CASE REFERRED, CLOSED

United States District Court
Western District of Michigan (Kalamazoo)
CIVIL DOCKET FOR CASE #: 4:04-cv-00027-GJQ-HWB

Head #17549-056 v. North Carolina, State of et al

Assigned to: Judge Gordon J. Quist

Referred to: Magistrate Judge Hugh W. Brenneman Jr.

Demand: \$

Lead Docket: None

Related Cases: None

Case in other court: None

Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/23/04

Jury Demand: None

Nature of Suit: 530 Habeas Corpus
(General)

Jurisdiction: Federal Question

petitioner

Joseph Marion Head #17549-056, Jr.

CV 10522 RGS
represented by **Joseph Marion Head #17549-056, Jr.**
FMC Devens
P.O. Box 879
Ayer, MA 01432
PRO SE

V.

respondent

North Carolina, State of

**United States of America, named as
"U.S.A."**

**David L. Winn, Warden, F.M.C.
Devens**

**CERTIFIED
ECF DOCUMENT**

I hereby attest and certify that this is a printed copy of a document
which was electronically filed with the United States District Court
for the Western District of Michigan on 3-10-04

RONALD C. WESTON, SR., CLERK OF COURT

By: E. Lopez Dated: 3-11-04
Deputy Clerk

Filing Date	#	Docket Text
02/23/2004	<u>01</u>	PETITION for writ of habeas corpus filed by Joseph Marion Head #17549-056 Jr. (Attachments: # (1) 1st additional petition# (2) 2nd additional petition# (3) Attachment) (cmi,) Additional attachment(s)

added on 3/2/2004 to attach correct pdf documents (elc,). (Entered: 03/01/2004)

02/23/2004	<u>•2</u>	APPLICATION TO PROCEED without prepayment of fees and affidavit (cmi,) (Entered: 03/01/2004)
02/26/2004	<u>•3</u>	MOTION for order by petitioner Joseph Marion Head #17549-056 Jr.; (Attachments: # <u>1</u> Attachment) (cmi,) (Entered: 03/01/2004)
03/01/2004	<u>•4</u>	NOTICE REGARDING PUBLIC ACCESS directed to Joseph Marion Head #17549-056 (cmi,) (Entered: 03/01/2004)
03/03/2004	<u>•5</u>	ORDER REJECTING PLEADING (proposed motion for evidentiary hearing, et al) ; signed by Magistrate Judge Hugh W. Brenneman Jr. (Attachments: # <u>1</u> Proposed Document) (elc,) (Entered: 03/05/2004)
03/03/2004	<u>•</u>	Copy of Order Rejecting Pleading <u>5</u> sent via U.S. Mail to ptnr w/proposed pleading (elc,) (Entered: 03/05/2004)
03/10/2004	<u>•6</u>	ORDER TRANSFERRING CASE to the District of Massachusetts; signed by Magistrate Judge Hugh W. Brenneman Jr. (Magistrate Judge Hugh W. Brenneman, fh) (Entered: 03/10/2004)
03/10/2004	<u>•7</u>	LETTER accompanying original file, certified copy of transfer order and certified copy of docket sheet; sent to USDC for the District of Massachusetts (elc,) (Entered: 03/11/2004)

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

340710522 RGS

JOSEPH MARION HEAD,

)

Petitioner,

)

v.

)

STATE OF NORTH CAROLINA,

)

Respondent.

)

) Case No. 4:04-cv-27 MAGISTRATE JUDGE Collings

) Honorable Gordon J. Quist

ORDER OF TRANSFER

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C.

§ 2254. On May 1975, Petitioner was convicted of a crime against nature in the Rutherfordton, North Carolina Superior Court. He was sentenced to ten years in prison. He raises numerous grounds for relief in his habeas application. Petitioner is presently incarcerated at Federal Medical Center in Ayers, Massachusetts.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d). In the present case, Petitioner was convicted in Rutherfordton, North Carolina and is confined in Ayer, Massachusetts, neither of which lies in the Western District of Michigan. Venue, therefore, lies in the federal district encompassing either Rutherfordton, North Carolina or Ayers, Massachusetts.

Accordingly, IT IS ORDERED that this case is hereby transferred to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1406(a). The Clerk shall transmit the file forthwith to the Clerk of the Court in Boston, Massachusetts.

Dated: March 10, 2004

/s/ Hugh W. Brenneman, Jr.

Hugh W. Brenneman, Jr.
United States Magistrate Judge

CERTIFIED
ECF DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of Michigan on 3-10-04

RONALD C. WESTON, SR., CLERK OF COURT

By: E. Clegg Dated: 3-11-04
Deputy Clerk